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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA CHESS
13 FEDERATION, an Illinois non-for profit
corporation, RANDALL D. HOUGH, an
14 individual,

15 Plaintiffs,

16 vs.

17 SUSAN POLGAR, an individual, GREGORY
ALEXANDER, an individual, and DOES 1-10,
18 inclusive,

19 Defendants.
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Case No. 3:08-cv-05126-MHP

**DECLARATION OF SUSAN POLGAR IN
SUPPORT OF HER MOTION TO
COMPEL PRODUCTION OF
DOCUMENTS WITHHELD ON AN
INVALID ASSERTION OF THE
ATTORNEY-CLIENT PRIVILEGE**

Hearing Date: September 14, 2009
Time: 2:00 p.m.
Courtroom: Courtroom 15, 18th Floor
Judge: Hon. Marilyn Hall Patel

1 I, Susan Polgar, declare and state as follows:

2 1. The matters set forth herein are within my personal knowledge and if called and
3 sworn as a witness, I could competently testify thereto.

4 2. I was elected to the Executive Board of the United States Chess Federation, by a
5 vote of the federation's voting members, in 2007.

6 3. At the time of my election, my marriage to Paul Truong, whom I married in
7 December 2006, was well known. Mr. Truong also was elected to the federation's Executive
8 Board in 2007.

9 4. In late 2007, I spoke to Karl Kronenbeger, an attorney who had been retained to
10 conduct an investigation for the federation concerning allegations of misconduct raised by Brian
11 Mottorshead. During our conversation, Mr. Kronenberger told me that it was his goal to "close
12 out the investigation", and that he wanted me to provide information to help him in this goal.
13 During our conversation, I disclosed to Mr. Kronenberger information concerning my husband's
14 travel activities during specified times. I also agreed to provide Mr. Kronenberger with
15 information regarding this travel. During our conversation, I disclosed to Mr. Kronenberger
16 information concerning my husband's travel activities during specified times to prove that he
17 could not have been the FSS. I also agreed to provide Mr. Kronenberger with information
18 regarding this travel.

19 5. Mr. Kronenberger assured me that the information I provided to him would be
20 used solely for the USCF's internal investigation. At the time of our conversation, Mr.
21 Kronenberger was friendly and solicitous, and in no way indicated to me that he was adverse to
22 me. I believed that my conversation with Mr. Kronenberger was confidential and that any
23 information any information I provided to him would be kept confidential.

24 6. In December 2007, I discovered what appeared to be correspondence between Mr.
25 Kronenberger and other members of the Executive Board published on the internet that revealed
26 that Kronenberger was encouraging the USCF's insurer to deny me coverage during the same
27 time that he was asking me provide him with information to assist him with the USCF's
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1 investigation into Mottorshead's allegations. A true and correct copy of the document
2 containing this communication is attached to the Declaration of Whitney Leigh as Exhibit D.

3 7. When I discovered this email, both I and my husband, Paul Truong, confronted
4 the other Board Members with this disclosure through email in December of 2007. A true and
5 correct copy of emails I and Mr. Truong sent to other board members and Mr. Kronenberger
6 concerning these communications is attached to the Declaration of Whitney Leigh as Exhibits R
7 and BB.

8 8. After the emails in Exhibits R and BB, the other Board Members did not respond.
9 Neither they nor their counsel contacted me or requested that I return these emails.

10 I declare under penalty of perjury, under the laws of the State of California, that the
11 foregoing is true and correct. Executed on August 17, 2009 at San Francisco, California

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13 /s/ Susan Polgar
14 SUSAN POLGAR
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